

FRANCE DENIES ALL GUILT.

WHY DOESN'T JAPAN PROTEST TO ENGLAND AND GERMANY?

They Furnished the Coal for Russian Fleet—Declares Any Advantage Rejected—As to the Laws of Neutrality.

Special Cable Dispatch to THE SUN.
PARIS, May 11.—The Temps publishes an abstract of France's reply to Japan's complaints.

In the first place the basis of France's argument is explained from the time of Minister Motono's first protest on the occasion of the stop at Cherbourg of some Russian vessels. Then the French Government view both in regard to the matter of law and to that of fact in the matter of the application of the rules of neutrality.

The French Government points out that strictly there is no code of international law. Each Power has its own. The French code of international law was formulated at the beginning of the war between Spain and the United States. It declares that belligerents cannot make use of the ports for the purpose of war or to obtain arms and ammunition or to execute works with the object of increasing their military power.

The duration of the stay of belligerents, if they are not accompanied by prizes, is not limited. But they can only be supplied with provisions, commodities, and the means for repairs that may be needed for the subsistence of the crews or safety of navigation. Thus nothing brought forward by Japan as a violation of neutrality constitutes an illicit act.

In equity and wishing to fulfill in the spirit the duty of impartiality the French Government admits the importance of the fact that the stay of the Russian squadron for several weeks in French waters creates special obligations. These it has met in the full exercise of its sovereignty by sending precise instructions to its colonial officials.

In the second place, the stay of the Russian fleet close to the Indo-China waters has given rise to no act in preparation for war and the imputations emitted on this subject have no foundation.

1. As regards coal, the Russian fleet has never used the privilege of procuring it in French ports. Only at Algiers did two torpedo boats take in fifty-seven tons. It is the English and the Germans who have supplied the coal, and Tokio has never protested against this action of England and of Germany.

2. As regards the strategic use of neutral waters, the French waters have never been the scene of the junction of various Russian squadrons. The coal at Cherbourg, Dakar, Djibouti and Noua Be took place outside of territorial waters. It may have happened that at Noua Be some of the Russian vessels have come close to the shore in the intercourse between the fleet and the shore, but none of these were war vessels of any kind.

As regards repairs, those at Cherbourg and Matjunga did not exceed what international practice permits.

In the third place, as regards the presence of the Russian fleet in Indo-China waters, the French Government believes that the Japanese complaints are ill founded.

1. It is an impossibility to exercise a preventive control on account of the extent of the coast line and the absence of telegraphic stations. The Government has done what it could and could do no more.

2. In the matter of coal at Saigon and Kamranh, the Government replies that the quantity bought was not large. Moreover, the coal was bought of private individuals. Japan made no protest when Cardiff sold much larger stocks. The latest instructions sent out are to provide only enough coal to take the fleet to Vladivostok.

3. The shores of Indo-China have not served as a base of operations. According to the best English authorities, continuous occupation is the required characteristic for a base of operations.

4. The case of the Diana is a proof of the perfect correctness of the French Government. Essential pieces of the guns and the machinery were taken. When it was decided to change her dock the pieces were put in place again, but immediately after that they were taken out once more.

In the fourth place, the Japanese point of view is wrong and the Government regards Japan's remonstrances to be unjustifiable.

1. France's impartiality, circumstances and Togo's choice of the field in which to give battle have brought it about that the Russians have been able to stay in Indo-China waters and that the Japanese have not been able to obtain the same advantage, but the French Government declines to accept any responsibility for such a situation. If Togo had gone to meet the Russians at the entrance to the Red Sea the situation would have been reversed and the Japanese would have profited by the same advantages which the Russians have derived.

2. The Japanese have done in the Philippines and the Dutch Indies what they accuse the Russians of doing. That a Japanese squadron has been cruising for two months in the waters of Singapore, Borneo and Manila is beyond doubt. This stay involved frequent relations with the land, unavoidable stays and taking in of provisions.

3. The protest addressed to France alone should have been addressed to other Powers as well. Before reaching the waters of Indo-China the Russians coasted along the peninsula of Malacca, where they were joined by their colliers and provisioned with coal, yet no protest has been addressed to London.

4. The French reasons, after examination, have been approved by the British Government. Mr. Balfour and Lord Lansdowne in Parliament have found that the measures taken by France were satisfactory.

Fifthly and finally, five conclusions are drawn. Relying on the foregoing arguments, the French Government believes:

1. That in law it is completely cleared by the general and notorious character of its rule of neutrality.
2. That in equity, in spite of the letter of its rule, it has taken certain measures calculated to secure the preservation of absolute impartiality.
3. That, as a matter of fact, there have never been any direct purchases in French ports except at Algiers; that purchases through the commercial vessels escorting the fleet have been insignificant, and that, on the contrary, the whole stock of coal on those vessels was bought in England and Germany. That the watchfulness of the French authorities in Indo-China was as

RUSSIA'S CHANCE.

Roosevelt Knows That Czar's Government Desires to End the War.

Special Cable Dispatch to THE SUN.
LONDON, May 11.—The Tokyo correspondent of the Telegraph, in a despatch dated May 5, cabled by way of Shanghai, says:

"I know for an absolute fact from official sources that after the battle of Mukden peace was nearly concluded, but the coming of the Baltic fleet revived Russia's hopes. Even the St. Petersburg Government never contemplated the possibility of the arrival of Admiral Rojestvensky in the China seas."

"Nobody here has any doubt that peace is coming. President Roosevelt has ascertained that Russia desires to end the war, and the St. Petersburg Government has acquainted him with its hopes that Japan will dispense with an indemnity as to as enable Russia to save her face. The cessation of hostilities is regarded as merely a loss to China, and not actually to Russia. Much is hoped from secret negotiations and secret clauses to the peace treaty."

"Meanwhile the Ministry of Foreign Affairs here learns that President Roosevelt has ascertained the terms that would be agreeable to the neutral Powers, and the matter thus depends on the support of the world, which must have a tremendous influence. Japanese statesmen have realized that the changed strategic position has rendered the alliance with England virtually ineffective."

"Owing also to the fact that notice of renewal of the alliance must be given this year, councils have been held to consider whether the clauses relating to the integrity of Korea and Manchuria should remain in force, the extension of the sphere of Japan's part of the treaty to India, the attitude of the British public and the ability of a future Liberal Government to enforce the promises made, and Great Britain's *quid pro quo* for a new alliance, which is no longer urgently necessary to arrest Russia's policy in the East."

"The principle of renewal, happily, has been settled. The terms will involve a new and definite policy in regard to the future of Manchuria and Korea."

WARSHIPS OFF JAPANESE COAST.

Believed to Be the Russia and the Gromobol From Vladivostok.

Special Cable Dispatch to THE SUN.
TOKYO, May 11.—A Japanese sailing vessel reports that two Russian cruisers overhauled her off the western entrance to Tsugaru Strait after sundown on Tuesday, but escaped in the darkness. From the description given of the Russian ships they were apparently the Russia and Gromobol, which have been at Vladivostok.

Two warships from Vladivostok were reported off Aomori Bay, in Tsugaru Strait, on the same day.

EXPECT BATTLE AT KIRIN.

Japanese Report Russian Left Wing Concentrating There.

Special Cable Dispatch to THE SUN.
TOKYO, May 11.—The Asahi claims that the left wing of the Russian army has fallen back to Kirin, where it is concentrating. It is understood that a battle is imminent.

BIG RUSSIAN LOAN.

German Bankers Said to Have Negotiated One of \$40,000,000.

Special Cable Dispatch to THE SUN.
ST. PETERSBURG, May 11.—The Russisches Reichsbank has negotiated a loan of \$40,000,000 at 6 per cent. with German financiers.

JEWISH VICTIMS NUMBER 120.

Killing at Jitomir Continues, but on a Smaller Scale.

Special Cable Dispatch to THE SUN.
ST. PETERSBURG, May 11.—A private message from Jitomir, southwestern Russia, says it is estimated that the Jews killed or wounded in the rioting which began there last Monday number 120. The rioting continues, but not to such an extent as in the early part of the week.

LONDON, May 11.—The Jewish Chronicle announces that the Government measures are being prepared in Russia to give an impetus to relief to the Jews. They will receive absolute freedom of movement and residence in all cities and towns, but not in villages, the authorities being unwilling to risk a repetition of the Kishineff affair. The paper adds that it learns that the murder of Jews causes more anxiety than the killing of other victims, owing to the reputation the former arouses in Europe.

RUSSIAN OFFICER SHOT.

Killed While Making a Domestically Visit in Central Russia.

Special Cable Dispatch to THE SUN.
ST. PETERSBURG, May 11.—The Captain of a cavalry patrol at Nijni Novgorod, central Russia, while making a domestic visit last evening, was shot dead. The man who shot him was arrested.

ROAD TIED UP 20 MINUTES.

Firemen Yanked Off Soft Coal Burning Engine in Long Island City.

Sudden action by Health Department officers effectively tied up the Long Island Railroad for a little while yesterday afternoon. Without warning Sanitary Officers Riley and Meagher a little before 4 o'clock entered the passenger yards at Long Island City and arrested four firemen on charges of violating the health code by burning soft coal. The engines on which the men were were ready to take out trains and before new men could be found to take the place of the men taken from the cars the trains were from twenty minutes to thirty-five minutes late.

Magistrate Smith paroled the firemen for examination later. It is said the city was not expected, because the company is soon to abolish engines within the city's built-up section and to substitute electric traction. Soft coal engines are being used, it is explained, while the changes are being made.

EQUITABLE CLERK CONFESSES.

SUNDAY SCHOOL TEACHER, ENTRAPPED BY OLD THIEF.

Met Lobbey's Nephew in the Sunday School and Was Introduced to Uncle Sam, Who Showed Him the Races and Got Him Into Debt—Young Lobbey Prisoner.

Emil Neumer, a clerk, only 21 years old, in the employ of the Equitable Life Assurance Society, has confessed that he helped Sam Lobbey to \$27,000 of the insurance company's money. He was arrested on Wednesday night, and Thomas H. Lobbey, Jr., a nephew of the old swindler, was taken in late on the same night.

If it hadn't been for Tom Lobbey, according to the story told last night by representatives of the Equitable, Neumer would not have fallen from grace, and if it hadn't been for the malign influence of Uncle Sam, Tom would not have gone astray.

Neumer entered the service of the Equitable five years ago as a messenger, and rose to a clerkship in the loan department. It was not a job that paid remarkably well, but there were prospects. Neumer attended Sunday school at Holy Trinity Protestant Episcopal Church in East Eighty-eighth street, of which the Rev. James V. Chalmers is pastor. Sometimes he taught a class. There he met Tom Lobbey, three years his junior and a rising young addler.

Young Lobbey and Neumer were out for a walk one day when they met Sam Lobbey, and the Equitable clerk was introduced to the old thief. Sam doesn't look like a jailbird and they struck up an acquaintance. Sam was much interested in Neumer's career, and he in turn in Sam's. Neumer had been up to the river. Neumer lost a little money at poker, but not so much but what loans from Uncle Sam kept him afloat. Besides, as Uncle explained, it could all be got back at the racetrack.

They went to the races together last summer, sometimes in Uncle Sam's pretty automobile. The animals didn't run just right for Neumer, but Uncle Sam was always ready with kindly advice and small loans. Thus it ran until Sam Lobbey got ready to put the screws on, having discovered from his cross-examination of the trusted young employee that it was worth while.

Emil Neumer did not have to exercise a great deal of intellect for Tom's uncle had intellect to spare and twenty-five years of experience behind it. The young man only had to realize that Uncle Sam was really with kindly advice and small loans. Thus it ran until Sam Lobbey got ready to put the screws on, having discovered from his cross-examination of the trusted young employee that it was worth while.

What Mrs. Dodge's meaning, she was sustained by the unanimous sentiment of these who heard her, although some inclined to the opinion that she had fired the limit too high, and from two to four babies would be sufficient.

F. A. CLARK IN COLLISION.

Bishop Potter's Stepson Thrown Out of His Car in Fifth Avenue.

Dr. Henry V. Brooser of 716 Washington street, Hoboken, accompanied by his wife, made a call on a friend in West Fifty-second street last night. They didn't leave their car until after midnight, and then the physician and his wife started home in their automobile, which Otto Schaeffer operated.

Coming down Fifth avenue the automobile had to slow up in front of the Cathedral because a horse attached to a hansom had slipped on the wet asphalt.

In turning out to avoid running into the car the automobile ran into a cart going north on the avenue. In the cart was Frederick A. Clark, a stepson of Bishop Potter.

He had been to the Brooklyn horse show and was driving home alone. In the mix-up between the automobile and the cart Mr. Clark was thrown out. His horse would have run away if several cabmen hadn't grabbed the animal by the bit.

Mr. Clark didn't seem to be much hurt by his fall, but it seems that the automobile had collided with his cart. He declared that the accident was due to the carelessness of the operator of the machine, and Dr. Brooser was emphatic in saying that the accident was unavoidable.

When a policeman arrived he thought both parties had better go to the East Fifty-first street station and settle their dispute with the aid of the sergeant on duty.

HARD TO DODGE THIRD TERM.

Depew Declares That Roosevelt Had Far Less Trouble Getting His Twelfth Year.

PHILADELPHIA, May 11.—The people admire Roosevelt so much and have such confidence in him that he is going to have a harder job to keep out of the Presidency for another term than he had to get that twelfth year, predicted Senator Chancery M. Depew before the 2,000 members of the Union League to-night, concluding a speech commemorating the centennial anniversary of its entry into its present home.

The Senator's address was a general historic review of men and measures, in which he ranked Roosevelt as one of the few men who would go to history as the originator of great policies. He recalled his own time in the coal strike and his attack on the trusts, which the Senator said, "made the cheek of Wall Street blanch as it has not done in thirty years."

The Senator added that the confidence reposed in Roosevelt was remarkable to a degree. "Here he comes out of the woods after killing bears and shoots at the same old mark," he said. "Yet the country is not disturbed. If Bryan said and did the things Roosevelt has done in the last three years we would have had the greatest panic the world has ever known."

"Roosevelt does not know what secrecy means. Any one can find out anything he likes. He is like a boy who says, 'I don't care what you say, I will tell you anyway.' The people love his very indiscretions, and tell you he will be a harder job than it was to get that twelfth year, to dodge another term."

Depew's laudation of Roosevelt was applauded by the echo by an audience largely composed of "captains of industry."

CARNEGIE OFFERS \$75,000.

For a Library at Radcliffe College if a Like Sum is Raised for Its Endowment.

CAMBRIDGE, Mass., May 11.—It is just announced that Andrew Carnegie has offered to Radcliffe College the sum of \$75,000 for a library building on condition that an equal sum shall be raised among alumni and friends of the college for endowment of the library.

No definite date has been set on which the \$75,000 for maintenance of the library will be raised. A determined effort, however, will be made by the library committee to secure the money before commencement, 1906.

FLED FROM PANAMA FEVER.

Thirty Employees of the Isthmian Commission Come Home in Haste.

Thirty employees of the Isthmian Commission, mostly clerks who have been working at Colon, arrived yesterday by the Panama Railroad steamship Segurana. Yellow fever in the Canal Zone frightened away the employees, who recently resigned. One of them said that thirty others also had given up their jobs and would come to New York on the next steamship.

J. M. Seawall of Richmond said that if the fever continued to spread as it appeared to be spreading when the Segurana sailed, it would be impossible to keep men enough on the Isthmus to do the clerical work. The high officials, he said, received better treatment and had better quarters than the clerks.

Other passengers by the Segurana were K. Iyeno, Japanese Consul at San Francisco, and Dr. S. Tamaka, commissioner appointed by the Japanese Government to investigate conditions at the Isthmus and report on the possibility of employing Japanese laborers on the canal.

Rosa E. Luelles, a passenger by the Segurana, was detained at Quarantine for observation, as his temperature was abnormal. He may have malarial fever only.

SIX BABIES QUITE ENOUGH.

Declares Mrs. Dodge at Women's Convention, and Her Hearers Agree.

RICHMOND, Va., May 11.—"The absolute limit of a woman's capacity for taking care of babies is eight, and she ought never to have more than six," said Mrs. Arthur M. Dodge, president of the New York Federation of Day Nurseries, while addressing to-day the Eastern Public Education Association, which is holding its annual meeting here.

The words of Mrs. Dodge were received with laughter by her hearers, the greater number of whom were women. A doubt prevailing regarding her meaning was not cleared up, some putting her down as a not very ardent adherent of the anti-race suicide views of President Roosevelt, while others inclined to the opinion that she simply spoke in her official capacity as president of a chain of nurseries and desired to state that one nurse could not care properly for more than eight children.

Whatever Mrs. Dodge's meaning, she was sustained by the unanimous sentiment of these who heard her, although some inclined to the opinion that she had fired the limit too high, and from two to four babies would be sufficient.

BISHOP POTTER'S STEPSON THROWN OUT OF HIS CAR IN FIFTH AVENUE.

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When a policeman arrived he thought both parties had better go to the East Fifty-first street station and settle their dispute with the aid of the sergeant on duty.

When the two parties reached the station they were still angry, but Sergt. Ennis advised them to settle their dispute without having each other arrested for carelessness. This they finally agreed to do. Both Mr. Clark and Dr. Brooser exchanged cards and departed.

CHASE UP BROADWAY AFTER A NOBLEMAN WHO KICKS.

And Who Forgot to Mention When He Left the Jeweler's That He Was Carrying Away Diamonds in His Glove—Fought Like a Good One When Nabbed.

His black waxed mustache, which measured half a foot from tip to tip, showed all the blacker above an enormous white silk puff tie. His long dark cutaway coat, partly hid a buff colored waistcoat, which was matched by the spats on his pointed shoes. With all this he displayed a small pot hat, a silver mounted cane and light tan gloves. He went into Labolt & Co.'s jewelry store, 54 West Twenty-third street, at 5 o'clock yesterday afternoon and handed to Louis Chanand a card inscribed: "Le Gomme Raggi, Conte Carlo."

Carlo, for short, wished, in French or Italian, indifferently, to purchase diamonds for a rich American lady whom he designed to marry.

In the diamond department in the back of the store, which is caged in like a paying teller's booth, he was introduced to Julius M. Straas, who presides there, and the door was locked from the outside. Mr. Straas displayed his stock on a mahogany table.

Carlo wished to purchase a brooch and examined many brooches, but none suited. He wanted clear blue stones and just enough of them to make a neat and pretty ornament. Finally he picked out five clear blue uncut stones of 1½ carats and a two carat stone for a centerpiece. He wished them set in a small star shaped cluster, and the draftsman was sent for. He drew up a brooch on a piece of cardboard that just suited Carlo. The piece, it was agreed, would cost \$2,000. All the time Carlo kept up a chatter about himself and his doings, American girls, he said, were the prettiest in the world and he had won the affections of the most beautiful of them all. True, his estates in the south of France were somewhat mortgaged, but what did he care, with 30,000 francs on deposit at the Waldorf-Astoria?

Salesmen Straas and Chanand suggested a deposit.

"Certainly," said Carlo; "come with me to my hotel and I will arrange the matter." They went to get their hats, inadvertently slamming the cage door shut on the customer. This vexed Carlo, who called on a boy outside to let him out. The boy let him out and forgot him.

In a few moments Chanand and Straas went at the cage door and found no Count. A diamond bow knot brooch worth \$1,000 also was not to be found.

Straas and Chanand went out to hunt that pot hat and mustache. At Broadway and Twenty-fifth street Joe Kans, a newsboy, has seen "some kind of a guinea" pass just a moment before. He described him and the description fitted Carlo.

"There he goes down!" ordered Joe, pointing up to Twenty-sixth street.

Straas went up on a run.

"Arrest that man!" he called to Policeman O'Connell. O'Connell approached Le Conte from behind stealthily and grabbed his arm. Carlo turned on the policeman and swung heavily on his jaw, at the same time kicking him in the stomach. O'Connell went to his knees, but he ranked Carlo to the sidewalk with him and snapped handcuffs on his wrists. Even when handcuffed Carlo fought and savated until O'Connell's billy persuaded him to stop.

He was yanked off to the Tenderloin police station with a great crowd yelling at his heels. All the way he was seen to be twisting his wrists as if something was wrong with his gloves. O'Connell investigated and found the \$1,500 bow knot brooch in the right hand glove.

THE COUNT AND THE BROOCH.

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At the station house the prisoner asserted that his title was genuine. According to his story he sailed from Marseilles about three weeks ago on this trip he met his American sweetheart. He is not known at the Waldorf.

He had \$30 in his pockets, but no papers.

SERGEANT VERSUS BOOTBLACK.

Hints of Craft in Yorkville Court—Lawyers and Clerk Take a Hand.

Sergt. Martin Conlin of the Yorkville police court squad arrested James Caggiano, the court bootblack, on a charge of disorderly conduct yesterday. The bootblack was sitting in the court with his coat off, and the sergeant ordered him out. There were some words, and the sergeant took the bootblack into custody and arraigned him before Magistrate Pohl.

"The sergeant is against me because I kept out of his way," said Caggiano to the Magistrate.

Just then one of the regular police court lawyers stepped up on the bridge and declared that the bootblack had been acting as a "steerer" for another lawyer and interfered with the court business. Another lawyer stepped up to defend the Italian, who said he had incurred the bootblack's enmity because he refused to split a five dollar present from a woman whom he had helped in getting a warrant.

"I want you to make a charge against the sergeant at Police Headquarters, and I will help you," Chief Clerk Kennelley said to the bootblack.

The sergeant insisted upon pressing his complaint against Caggiano, and the Magistrate adjourned the hearing until to-day and held the bootblack in \$1,000 bail.

CLEVELAND BACK FROM TRIP.

On E. C. Benedict's Yacht Onaida—Had Good Luck Fishing.

E. C. Benedict's yacht Onaida dropped anchor at the foot of East Twenty-third street yesterday after a cruise of about 1,200 miles with the owner and Grover Cleveland aboard.

The Onaida left two weeks ago and visited Norfolk, Va.; Georgetown, S. C., and other Southern ports. At Georgetown the party visited Gen. Alexander, an old friend of Mr. Cleveland and Mr. Benedict, who was on Lee's staff at Appomattox.

Mr. Benedict said last night the sergeant's enmity because he refused to split a five dollar present from a woman whom he had helped in getting a warrant.

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